

96TH CONGRESS
1ST SESSION

H. R. 253

To provide for the receipt of testimony and information from executive agencies and bodies.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1979

Mr. DELLUMS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the receipt of testimony and information from executive agencies and bodies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Congressional Access to
4 Information Act".

5 Sec. 2. For purposes of this Act—

6 (1) the term "department and establishment"
7 means any executive department, independent commis-
8 sion, board, bureau, office, agency, or other establishment
9 of the Government, including any independent regulatory
10 commission or board and the municipal government of

1 the District of Columbia, but does not include the legis-
2 lative or judicial branches of the Government;

3 (2) the term "information" includes any knowl-
4 edge or data reasonably available (to the party receiv-
5 ing the request for information) and includes documents,
6 papers, films, tapes, and transcripts; and

7 (3) the term "policy" means—

8 (A) the exchange of views and discussion dur-
9 ing the development of goals and the determina-
10 tion of possible courses of action;

11 (B) the development of plans and approaches
12 to present and future decisions; and

13 (C) the offering or receipt of recommenda-
14 tions concerning clauses (A) and (B);

15 but does not include the implementation of already
16 developed goals, courses of action, or decisions.

17 SEC. 3. (a) Either House of Congress, any joint com-
18 mittee of Congress, any committee of either House, or any
19 subcommittee thereof, or the Comptroller General at the
20 request thereof, may subpoena or request any head of a
21 department or establishment of the United States or any
22 officer or employee of the United States to appear and give
23 complete testimony, or to provide complete information
24 pertinent to matters of legislative concern, or to pending
25 legislation, or with respect to any congressionally authorized
26 programs.

1 (b) A subpoena issued by the Comptroller General to
2 any department or establishment head or officer or employee
3 at the request of either House of Congress, any joint com-
4 mittee of Congress, any committee of either House, or any
5 subcommittee thereof shall be considered to have been issued
6 by such House, committee, or subcommittee, and a refusal or
7 failure to provide information or testimony requested pursu-
8 ant to section 3 of this Act shall be considered a refusal or
9 failure to provide information or testimony to that House,
10 committee, or subcommittee. However, this subsection shall
11 not be construed as authorizing the Comptroller General to
12 bring a civil action as authorized in section 5 of this Act.

13 (c) (1) Such department or establishment head or
14 officer or employee shall provide the requested testimony
15 or information within thirty days of the receipt of the
16 request, unless otherwise specified by the party making the
17 request.

18 (2) Such department or establishment head or officer
19 or employer shall affirm in writing that the testimony or
20 information provided in response to the request is complete
21 to the best of his or her knowledge.

22 (d) (1) If the department or establishment head or offi-
23 cer or employee refuses to testify or provide information, fails
24 to provide complete testimony or information within the spec-
25 ified time period, or fails to certify as to its completeness,

1 the Comptroller General shall be notified by the congressional
2 body or entity which made the request.

3 (2) Upon such notification, unless the information or
4 testimony is refused in compliance with section 4 (a) of this
5 Act, the Comptroller General shall take all necessary
6 measures to withhold all Federal funds for the operation of
7 the department or establishment or officer or employee in-
8 volved from the date specified under subsection (c) (1)
9 until such time as the department or establishment head or
10 officer or employee complies with the provisions of this
11 section.

12 SEC. 4. (a) (1) The President may refuse to allow any
13 information or testimony requested under section 3 to be
14 provided by the department or establishment head or officer
15 or employee if such information or testimony relates to—

16 (A) advice made to the President by an individual
17 who is not an employee of a department or establish-
18 ment, or an individual who is not subject to confirma-
19 tion by either House or both Houses of Congress; or

20 (B) information, recommendations, and discussions
21 relating to the formulation of policy between the Presi-
22 dent and any individual who is not an employee of a
23 department or establishment, or an individual who is not
24 subject to confirmation by either House or both Houses
25 of Congress.

1 (2) Any such refusal shall be made in writing, signed by
2 the President, and directed to the Comptroller General, the
3 official of Congress who made the request, or the chairperson
4 of the joint committee, committee, or subcommittee thereof
5 who made the request.

6 (3) Any such refusal shall state the specific topics of
7 testimony or specific items of information which are refused
8 and shall set forth the basis for the refusal.

9 (b) If the refusal is not accepted by the requesting
10 House, committee, or subcommittee as complying with sub-
11 section (a), it shall proceed under section 5 of this Act.

12 SEC. 5. (a) Either House of Congress, any joint com-
13 mittee of Congress, any committee of either House, or any
14 subcommittee thereof may bring a civil action in its own
15 name pursuant to section 1364 of title 28, United States
16 Code, in the District Court for the District of Columbia to
17 compel the President of the United States to provide com-
18 plete testimony or information pursuant to section 3 of this
19 Act, if the President's refusal to provide complete testimony
20 or information does not comply with section 4 (a) of this Act.

21 (b) If the district court finds that such refusal does
22 not comply with section 4 (a) of this Act, it shall order
23 the President to comply with the request made pursuant to
24 section 3 of this Act. If the President does not comply with

1 the court's order, the court may hold the President in con-
2 tempt, and order appropriate penalties.

3 SEC. 6. (a) Chapter 85 of title 28, United States Code,
4 is amended by adding at the end thereof the following new
5 section:

6 **"§ 1364. Action to compel disclosure by the President**

7 "(a) The District Court for the District of Columbia
8 shall have original and exclusive jurisdiction, notwithstanding
9 the amount in controversy, of any civil action brought by
10 either House of Congress, a joint committee of Congress, a
11 committee of either House, or any subcommittee thereof
12 pursuant to section 5 of the Congressional Access to Infor-
13 mation Act against the President to determine whether a
14 refusal of the President to provide information or testimony
15 comes within the provisions of section 4 (a) of such Act.

16 "(b) Any such action shall be heard and determined
17 by a district court of three judges under section 2284 of
18 this title.

19 "(c) Any civil action brought under this section shall,
20 except as to proceedings the district court considers of
21 greater importance, take precedence on the docket over all
22 other proceedings, and be assigned for hearing and trial at
23 the earliest practicable date and be expedited in every way."

- 1 (b) The table of sections of chapter 85 of title 28,
- 2 United States Code, is amended by inserting immediately
- 3 after the item relating to section 1363 the following:

"1364. Action to compel disclosure by the President."

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